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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

IYO, INC.,

Plaintiff,

vs.

IO PRODUCTS, INC., OPENAI, INC.,  
 OPENAI, LLC, SAM ALTMAN, and SIR  
 JONATHAN PAUL IVE,

Defendants.

Case No. 3:25-cv-04861

**DECLARATION OF EVANS HANKEY IN  
 SUPPORT OF DEFENDANTS'  
 OPPOSITION TO PLAINTIFF IYO,  
 INC.'S MOTION FOR A TEMPORARY  
 RESTRAINING ORDER AND  
 PRELIMINARY INJUNCTION**

Judge: Hon. Trina L. Thompson  
 Hearing: June 17, 2025 at 10 am

1 **DECLARATION OF EVANS HANKEY**

2 I, Evans Hankey, declare:

3 1. I am a co-founder and the Chief Product Officer of Defendant io Products, Inc. (“io”).  
4 I make this declaration in support of Defendants’ Opposition to Plaintiff IYO, Inc.’s Motion for a  
5 Temporary Restraining Order and Preliminary Injunction. The facts stated in this declaration are  
6 true and correct based on my personal knowledge, and if called and sworn in as a witness, I could  
7 and would testify competently to those facts.

8 2. Prior to co-founding io, I was VP of Industrial Design at Apple. I began working at  
9 Apple as a product design engineer in September 2000, and continued to work there for nearly 23  
10 years. As VP of Industrial Design, I oversaw development of the look and feel of many Apple  
11 products, ranging from the Mac computers to AirPods headphones, and including the iPod, iPhone,  
12 and iPad. I am named as an inventor on over 400 U.S. design and utility patents and patent  
13 applications. Among others, I contributed to Apple’s patents for “In-ear wireless device,”  
14 “Earphone,” “Method for determining a form for a headphone part using a representative model,”  
15 and “Case with earphones.”

16 3. In 2022, while I was still employed by Apple, my good friend and former colleague,  
17 Steve Zadesky suggested that I speak with Jason Rugolo. He said he thought I might be able to help  
18 Jason out. I had worked with Steve for many years when he was a Vice President of Engineering at  
19 Apple. As a favor to Steve, I agreed to a call with Mr. Rugolo. During the call, Mr. Rugolo said he  
20 was looking for a head of design at his company. At the time, I did not know the name of his  
21 company, and he did not tell me. He told me that the company was working on augmented audio  
22 technology for the ear with a voice input. He did not mention anything having to do with AI to me.  
23 I told him that I was not personally interested, but would give thought to who might be, and that  
24 week, I introduced him to Christopher Stringer, an industrial designer who had previously worked  
25 with me at Apple, who was interested in audio-focused products. The call lasted less than an hour.  
26 I did not understand the call to be an interview, and I never expressed any interest in working for  
27 Mr. Rugolo.

1           4. My last day of work at Apple was in April of 2023. I was ready for a break, and at  
2 the time, I did not have plans for what I would do next. But soon after that, while on a shared family  
3 vacation with Jony Ive and his family, I began talking to his son Charlie, and eventually Jony, about  
4 the exciting developments in AI. Over that summer, Jony and I continued to discuss AI  
5 developments, and he invited me to join a new venture he was working on. I was not ready to  
6 commit to a full-time position, but I initially agreed to join around October as an advisor to work  
7 with Jony and his design collective at LoveFrom. At that time, I understood that OpenAI had the  
8 right to use the io.com domain name. By June 2024, I was working at io full time.

9           5. The only time I spoke with Mr. Rugolo other than the 2022 phone call was when Mr.  
10 Rugolo came to io's offices to demo a prototype product in May 2025. Around this time was the  
11 first time I became aware of the name "iyO." It was my understanding that Mr. Rugolo was hoping  
12 that io would acquire his company, his platform, or some other part of his technology. There was  
13 no reason for io to do so; what Mr. Rugolo was offering was not a good fit with what we were  
14 working on. For example, when asked at the May 1 meeting why he chose to offer a product that  
15 required custom molding for each customer's ear, my recollection is that Mr. Rugolo answered that  
16 his product was not intended to be a general consumer product for the mass market, but was being  
17 designed for early adopters, researchers, musicians, and audio purists who are accustomed to having  
18 customized earpieces. In my experience with consumer products, this did not seem like a scalable  
19 approach. io has no current plans to offer a custom-molded earpiece product.

20  
21           I declare under penalty of perjury under the laws of the United States that the foregoing is  
22 true and correct. Executed this 12th day of June, 2025 at San Francisco, CA.

23  
24           By:  Signed by:  
25           Evans Hankey  
26           FOEC9AA86208425...